

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BANTERRA BANK,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24 CV 1224 CDP
)	
SUNUP, LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This newly filed case is before me for review of subject-matter jurisdiction.

Plaintiff Banterra Bank brings this action alleging that defendant Sunup, LLC, defaulted on the terms of a loan agreement and that defendants Dynamic Automation Corp., Sunit Mishra, and Puja Mishra, as guarantors on the agreement, have refused to cure Sunup's default. Banterra invokes this Court's diversity jurisdiction under 28 U.S.C. § 1332.

I have reviewed Banterra's complaint and find that there is no adequate statement of citizenship with respect to defendant Sunup, LLC. I will therefore order Banterra to file an amended complaint to properly allege this Court's subject-matter jurisdiction.

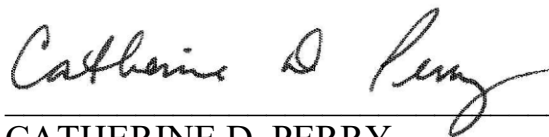
Banterra asserts that Sunup is a Missouri limited liability company whose principal place of business is in St. Louis County, Missouri. (ECF 1, Compl. at ¶

2.) For diversity purposes, however, an LLC's citizenship is the citizenship of all its members. *GMAC Com. Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). In its complaint, Banterra neither identifies the members of Sunup, LLC, nor alleges the citizenship of any members. Without sufficient identification and statement of citizenship of the members of Sunup, LLC, I am unable to determine if this Court has subject-matter jurisdiction.

Accordingly, I will give Banterra seven (7) days to amend its complaint to properly allege this Court's subject-matter jurisdiction. Failure to timely comply with this Order may result in this action being dismissed without prejudice for lack of subject-matter jurisdiction.

Therefore,

IS IT HEREBY ORDERED that within seven (7) days of the date of this Order, plaintiff Banterra Bank shall file an amended complaint that properly alleges this Court's subject-matter jurisdiction. Failure to timely comply with this Order may result in this action being dismissed without prejudice for lack of subject-matter jurisdiction.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 10th day of September, 2024.